

1 AN ACT relating to local government procurement.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 45A.380 is amended to read as follows:

4 A local public agency may contract or purchase through noncompetitive negotiation only
5 when a written determination is made that competition is not feasible and it is further
6 determined in writing by a designee of the local public agency that:

- 7 (1) An emergency exists which will cause public harm as a result of the delay in
8 competitive procedures;~~{or}~~
- 9 (2) There is a single source within a reasonable geographical area of the product or
10 service to be procured;~~{or}~~
- 11 (3) The contract is for the services of a licensed professional, such as attorney,
12 physician, psychiatrist, psychologist, certified public accountant, registered nurse, or
13 educational specialist; a technician such as a plumber, electrician, carpenter, or
14 mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided,
15 however, that this provision shall not apply to architects or engineers providing
16 construction management services rather than professional architect or engineer
17 services;~~{or}~~
- 18 (4) The contract is for the purchase of perishable items purchased on a weekly or more
19 frequent basis, such as fresh fruits, vegetables, fish or meat;
- 20 (5) The contract is for replacement parts where the need cannot be reasonably
21 anticipated and stockpiling is not feasible;
- 22 (6) The contract is for proprietary items for resale;
- 23 (7) In school districts the contract relates to an enterprise in which the buying or selling
24 by students is a part of the educational experience;
- 25 (8) The contract or purchase is for expenditures made on authorized trips outside of the
26 boundaries of the local public agency;
- 27 (9) The contract is for the purchase of supplies which are sold at public auction or by

1 receiving sealed bids;

2 (10) The contract is for group life insurance, group health and accident insurance, group
3 professional liability insurance, worker's compensation insurance, and
4 unemployment insurance;~~{or}~~

5 (11) The contract is for a sale of supplies at reduced prices that will afford a purchase at
6 savings to the local public agency; or

7 (12) The contract is with a private real estate developer and contains a requirement:

8 (a) That the developer increase the size or otherwise improve the collection
9 capacity of the sanitary sewer or storm water pipe serving the affected
10 private real estate development; and

11 (b) That the local public agency pay only the proportional cost of increasing the
12 size, or otherwise improving the collection capacity, of the sanitary sewer or
13 storm water pipe over the original collection capacity.